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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 ALEX LEONARD AZEVEDO,

12 Petitioner,

13 v.

14 THE PEOPLE,

15 Respondent.
16

Case No. 1:20-cv-00359-EPG-HC

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA

17 Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2254.

19 When a state prisoner files a habeas petition in a state that contains two or more federal
20 judicial districts, the petition may be filed in either the judicial district in which the petitioner is
21 presently confined or the judicial district in which he was convicted and sentenced. See 28
22 U.S.C. § 2241(d); Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004) (quoting Carbo v. United
23 States, 364 U.S. 611, 618, 81 S. Ct. 338, 5 L. Ed. 2d 329 (1961)). Petitions challenging the
24 execution of a sentence are preferably heard in the district where the inmate is confined. See
25 Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989). Petitions challenging convictions or
26 sentences are preferably heard in the district of conviction. See Laue v. Nelson, 279 F. Supp.
27 265, 266 (N.D. Cal. 1968). Section 2241 further states that, rather than dismissing an improperly
28 filed action, a district court, “in the exercise of its discretion and in furtherance of justice[,] may

transfer” the habeas petition to another federal district for hearing and determination. Id.; see also 28 U.S.C. § 1404(a) (court may transfer any civil action “to any other district or division where it might have been brought” for convenience of parties or “in the interest of justice”).

Here, Petitioner’s claims relate to his convictions and sentence from the Colusa County Superior Court, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. Therefore, venue is proper in the Sacramento Division. Local Rule 120(d).

Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper court may, on the court’s own motion, be transferred to the proper court. Therefore, this action will be transferred to the Sacramento Division.

Accordingly, IT IS HEREBY ORDERED that:

1. This action is TRANSFERRED to the United States District Court for the Eastern District of California sitting in Sacramento; and

2. All future filings shall reference the new Sacramento case number assigned and shall be filed at:

United States District Court
Eastern District of California
501 “I” Street, Suite 4-200
Sacramento, CA 95814

IT IS SO ORDERED.

Dated: March 10, 2020

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE